

John Demjanjuk: The Man More Sinned Against

[Nigel Jackson](#)

I am a man more sinned against than sinning!" (King Lear in Shakespeare's King Lear)

John Demjanjuk is dead. *The Age*, Melbourne's more intellectual daily newspaper, reported this on 19th March under the prejudicial and ambiguous heading 'Nazi camp guard dead.' Quoting the *Washington Post*, the newspaper referred to Demjanjuk as 'the target of a decades-long international effort to prove that he participated in genocide as a guard at Nazi prison camps'. The report summarised the legal history of cases against him and noted that he was finally charged in Germany 'with 27, 900 counts of being an accessory to murder as a prison guard at Sobibor', one of the alleged Nazi 'death camps'. In May 2011 Demjanjuk was found guilty and sentenced to five years in prison. There is no suggestion in this report by *The Age* that anything was amiss in the treatment of this man by the USA, Israel or Germany, although it is noted that he maintained 'that war-crime accusations against him were a matter of mistaken identity.'

The purpose of this essay in memorial to Demjanjuk is to suggest that there was indeed much amiss in the treatment meted out to him - as indeed there has been in the reporting of his cases and life history by Melbourne newspapers - and to indicate the significance of the whole story to world politics and to the Australian political order.

II

Immediately on 19th March I emailed the following letter to the letters editor of *The Age*:

The death of John Demjanjuk ('Nazi camp guard dead', 19 Mar) brings to a close one of the most repulsive and inhumane persecutions of a human being in European history. Yoram Sheftel, Demjanjuk's Jewish lawyer, provided in his 1995 book Show Trial a thorough exposure of the massive corruption involved in the staging of the first Israeli trial of Demjanjuk, whose verdict had to be overturned in the appeal trial because of irrefutable evidence found after the collapse of the Berlin Wall.

There is plenty of evidence, too, that corruption was involved in the further campaign against Demjanjuk, which resulted in his cruel deportation to Germany in his late eighties. As for the charges on which he was then found guilty, they are thoroughly preposterous. Moreover, revisionist historians have mounted a strong case that Sobibor was not, in fact, a death camp at all, but a transit camp. The continuing persecution of these historians in more than a dozen countries merely adds to the conviction that there is something very rotten indeed in contemporary Western European political orders.

This letter was not published and so I appealed to the letters editor next day, giving these reasons:

There is a strong body of opinion that John Demjanjuk was treated most unjustly in America, in Israel and in Germany. It includes eminent and thoughtful persons such as Patrick Buchanan, a former candidate for the American presidency. Even The Daily Telegraph in the UK in its obituary has written: 'In 2011, doubt was cast on the very identity card that had seemed so damning, with FBI analysis appearing to show it might have been tampered with.'

It is notable that, in contrast to their coverage during the Israeli trials, coverage of the Demjanjuk story throughout the second campaign against him including the German trial that this led to by major

Australian media, The Age included, has been deplorably one-sided. I do not think that The Age published one pro-Demjanjuk letter throughout that whole period. Now that the man is dead, please at least let his defenders have some say!

The letters editors remained unmoved by this appeal and next day there was nothing published sympathetic to Demjanjuk.

Even more depressing than this has been the response of our national newspaper, *The Australian*. Neither on the 19th nor the 20th of March did it publish any news about Demjanjuk's death. Thus, on the 20th I emailed to its letters editor a letter very similar to that sent to *The Age*. It included the information about the statement by *The Daily Telegraph* and identified the identity card as having been issued by the Trawniki training camp.

This letter did not appear on the 21st and so I emailed an appeal to the letters editor, giving my reasons as follows:

After the first Israeli trial of John Demjanjuk, The Australian expressed triumphant joy in a spread that ran to several full pages. Even then it was possible to see that justice had not been done and The Australian published a letter of mine pointing this out. We now know, thanks to Sheftel and others, that there was massive corruption in both the USA and Israel that led to that verdict.

It seems extraordinary that, now that Demjanjuk has just died, The Australian has made no reference at all to that death or the man's life.

It is also odd that major print media in Australia, including The Australian, have treated the second campaign against Demjanjuk, which resulted in his deportation to Germany and the trial there, as a relatively minor news story and have virtually silenced debate on the rightness or otherwise of the treatment of him. Quite a number of influential and informed persons, including former USA presidential candidate Pat Buchanan, have expressed grave reservations about the integrity of proceedings against Demjanjuk. I think I am correct in saying that, since the second campaign against him was first publicised in Australia, The Australian has not published a single pro- Demjanjuk letter.

Isn't it therefore time to allow this side of the controversy some coverage, especially as it bears on the case of Australian citizen Charles Zentai, whose case is still in progress?

(Certain Jewish bodies have been agitating for years to have Australia deport Zentai, now in his late eighties, to face 'justice' (really a show trial) in Hungary over his alleged killing of a Jewish youth during World War Two.) The letters editor of *The Australian* remained unmoved by my appeal; and the newspaper continued to remain silent about Demjanjuk's death.

III

Yoram Sheftel's book *Show Trial*, first published in Israel in Hebrew in 1993, establishes clearly that there was serious corruption in the USA to get Demjanjuk deported to Israel to stand trial, that Israeli authorities flouted true justice by deliberately turning the first trial into the theatre of a show trial, and that there was unacceptable bias against Demjanjuk in the way in which that trial, leading to a death sentence, was conducted.



John Demjanjuk hearing his death sentence. Demjanjuk Trial Jerusalem, 25 April 1988. USHMM Photograph #65266, courtesy of Israel Government Press Office [Public domain], via Wikimedia Commons

That it was possible to know wrongdoing was occurring before Sheftel's book was published is proved by the full text of the first letter I sent *The Australian* on 2nd May 1988 and which was not accepted for publication (the one that finally appeared was much, much shorter). Here is that text.

In your Weekend Australian for April 30-May 1 you employ nearly 5,000 words apparently in order to convince your readers that Ukrainian Christian John Demjanjuk has received justice in Israel and that the current drive to pursue up to 600 suspected "Nazi war criminals" in Australia is a splendid jihad. [Several trials were eventually held, but resulted in no successful prosecutions; hence the intense eagerness in some quarters to at last get Australia 'on the hook' by having Zentai sent to Hungary.]

'With luck, it seems, we may even find some bigger fish than the one Israel has just hooked; and there may be a gladiatorial "trial" of even more superb dimensions in the Land of the Yellow and Green [Australia] (or is it the Red, the Yellow and the Black?! [The colours of the "Aboriginal flag"]

May I employ somewhat fewer words to suggest to you and your readers that John Demjanjuk may well have suffered immense injustice in Israel (making comparisons with the Dreyfus affair thoroughly apt) and that Australia's "leadership" in pursuing the New Inquisition is something of which we should all feel deeply ashamed?

Your page 18 news report ("Cocky Ivan's world collapses") uses a pejorative word to encourage hostility in the reader towards Demjanjuk; and this is particularly mean-spirited in view of the fact that, whether justly or not, this man is facing a sentence of death and is thus entitled to the traditional courtesies.

We soon find from the first five paragraphs that Demjanjuk is alleged to be in much poorer psychological shape after being sentenced than when he arrived in Israel in February 1986 – the implication being, presumably, that the scoundrel's bravado has received an excellent punch in the guts after his just denunciation. But this report depends only on unnamed "prison guards" and an unnamed "eyewitness" and may well be a propaganda fabrication.

A fatal anonymity continues. We are told that “according to legal experts” Demjanjuk “has little to hope for” from his appeal; but the only such expert actually named is a “specialist in criminal law at Harvard, Professor Alan Dershowitz, who has followed the case closely.” Frankly, I suspect that this academic is a Jew and not a disinterested and impartial observer. [He is.] It is noteworthy that The Australian has not told its readers that the author of its 3,800-word “summary” of the trial, Gitta Sereny, is Jewish.

The “legal experts” (we are informed by “Douglas Davis in Jerusalem”) claim that Demjanjuk’s defence is based on “a series of implausible contentions.” I shall list three of these and comment on them.

(1) “That a succession of Treblinka survivors and a former SS guard inaccurately identified him as Ivan the Terrible.” But there were just such a series of proven inaccurate “identifications” in the trial of Frank Walus!

(2) “That the Soviet authorities conspired to forge an identity document which placed him in the Trawniki camp, where Red Army deserters were trained to be guards at SS death camps.” But, as Chapman Pincher showed in The Secret Offensive (UK, 1985), the Soviet Union are past masters at such forgeries and have a whole political arm devoted to disinformation.

It must be noted that Count Nikolai Tolstoy, who testified on Demjanjuk’s behalf for three days in Israel, told a Melbourne audience on March 4 that not only he but all the other experts consulted were confident that the card is a forgery, and he made it utterly clear that he had no confidence in the Israeli court’s turning aside of such evidence and that he could not imagine such a position being taken in a British or Australian court.

Count Tolstoy was emphatic and unqualified in his view that Demjanjuk was not receiving justice in Israel.

Gitta Sereny does admit in her article that the defence have a good case that the card is a forgery: “there is (very curious for an ID) no date either of issue or validity. Strange too, that Demjanjuk’s two postings are written by hand so that the bearer could have written in and transferred himself anywhere he wished.

“The most important witness brought, Dr Julius Grant, one of Britain’s most distinguished forensic scientists, considered Demjanjuk’s signature, in Cyrillic writing, ‘unlikely’ to be genuine.”

And she admits that “The prosecution case hangs on a less-than-satisfactory card plus photo-identifications that many people feel were carried out with less than impeccable proceedings.”

Yet she does not question the judge’s statement: “The court accepted the contention of two prosecution witnesses – a German police expert and an Israeli academic – who testified that the document was authentic, rather than the defence witnesses, whose expertise in the field had been undermined during cross-examination.”

A first-class and disinterested journalist would surely have felt obliged in a 3,800-word article to either show the tenable grounds for the judge’s decision or to oppose it.

(3) “That he was at the Chelm prisoner-of-war camp when he was alleged to have been at Treblinka – a claim that was proved to be historically impossible.” But was it proved to be historically impossible? There are many relevant aspects of World War II history which remain extremely controversial and which

will continue to do so until the research of the “revisionist historians” is clearly rebutted in an academic manner (if it can be). The enormous efforts made to defame these historians and to suppress their writings only makes one more suspicious that some of them must have exposed at least something that is true and iconoclastic.

Furthermore, the references in Gitta Sereny’s article to the Chelm issue do not in fact add up to a harmonious and fully articulate story. Her report of Judge Dorner’s interrogation of Demjanjuk concerning his “forgetting” of his time at Chelm “when the Americans had been interrogating him about his early life” may well be correct; but it is impossible to fit this American interrogation into her earlier account of how Demjanjuk changed his testimony.

As one reads Ms Sereny’s article, all sorts of questions and problems arise.

Firstly, there is the positive evidence in Demjanjuk’s favour. “Three other survivors of the upper camp (at Treblinka) – two in Israel and one in Australia – did not see a resemblance.” Ms Sereny has already admitted that “The documentary record is scanty; our knowledge of it depends, in the final analysis, on human memory.” Is it justice to execute Demjanjuk 43 years after the war on the basis of “human memory”?

Bishop Scharba (from Demjanjuk’s church, St Vladimir’s) has stated: “I cannot bring together the man I know and the man he is accused of being.” Ms Sereny was very ready to proffer the opinion of an Israeli psychologist (Dan Bar-On): “If he is really innocent, though, then however often he has heard these accusations, he would have to show anger.”

Why? Psychologists, like historians, often have differing opinions. Reports of Demjanjuk’s trial have at times indicated that he showed anger. And Ms Sereny produces no psychologist to explain the discrepancy noted by Bishop Scharba.

Instead, she rather deftly uses innuendo to suggest that Bishop Scharba is uneasy at defending Demjanjuk (“Bishop Scharba very soon veers away from Demjanjuk to talk about ‘the Ukrainians’ general sense of group victimisation.”)

Similar innuendo is used to seek to discredit Demjanjuk’s supporter Jerome Brentar, who is made to sound like a dedicated helper of fleeing Nazi monsters (Eichmann’s name is tenuously linked to him on a “guilt by association” ploy). Yet we are told that Brentar succeeded in “getting statements from three Polish villagers near Treblinka that Demjanjuk’s photograph in no way resembled the Ivan they had known: a giant approaching his 40’s with greying hair” and that “He then visited Kurt Franz, Treblinka’s deputy commandant... and acquired an affidavit with an identical description.”

Ms Sereny never uses innuendo to discredit any Jews or Israelis.

Moreover, she gives no reason why the evidence of Franz was not accepted by the judges, while they did fulsomely accept the testimony hostile to Demjanjuk, of Otto Horn. The way Ms Sereny writes about Horn should also be noted: “a 77 year-old (in 1981) German SS sergeant who had been in charge of burning the bodies at Treblinka. He had been acquitted at the 1965 Treblinka trial in Dusseldorf, had turned State’s evidence and was described by the survivors as ‘inoffensive’. His identification of Demjanjuk as Ivan was important: he had no axe to grind.”

But did he have no axe to grind? From one point of view, Horn may be seen as a turncoat. What were his motives for turning State's evidence? Is it possible that he was subject to blackmail or bribery? Is it possible that he has a position to maintain? We cannot lightly accept the Israeli judges' assertion about Horn: "(He) had already served a prison sentence for his wartime activities... and had no personal motive for implicating Demjanjuk."

Another most unsatisfactory element in Ms Sereny's account concerns her handling of the evidence of Pinhas Epstein (that on arrival at Israel Demjanjuk clearly walked like "Ivan the Terrible"): "It was one of those moments when one's doubts dissolve: this was no horror story, no prepared scenario by a professional witness. He could not have known this question would be asked... the memory of how a man walked, a characteristic that does not change with age."

My doubts did not dissolve at all. The question asked by the defence was an obvious one, which any eyewitness could have easily anticipated being asked ("When you saw John Demjanjuk get off the plane, did that man fit the memory you couldn't forget?"). And is it true that a man's walk does not change after 40 or so years? My podiatrist has just been explaining to me how damage to the feet can throw out knees, hips and spine, as one ages.

Ms Sereny also tells us: 'Historians called by the prosecution said it was impossible (that Demjanjuk was at Chelm as long as he claimed): no prisoner stayed there for 18 months.' But the fatal anonymity intrudes again. Who were these historians? Count Nikolai Tolstoy, in his Melbourne address on March 4, specifically stated that the prosecution had been able to present no world class historian to support their case and had had to "bring in a few nonentities." He said that he did not believe that the world class historians would have lent themselves to the sort of proceedings being carried out against Demjanjuk. Count Tolstoy is a successful professional historian with a world reputation.

It is not surprising to read, then, that "The last week of the trial has produced the angriest confrontation between judges and defence. Defence lawyer Paul Chumak... warned the judges to be 'careful' – Israeli justice 'is on trial'." Indeed, it is. The truth is, however, that Israel has never had the slightest right to try this Ukrainian Christian on the basis of retrospective and ex post facto legislation.

The judges asserted: "We are satisfied that we have remained objective. This has not been a show trial or another Dreyfus case, as the defence has suggested." But they cannot claim to pass judgement on themselves. Impartial and competent students of their proceedings will in due course do that.

And this brings us to the extraordinary front page article which The Australian has gleefully headed: "How we lead hunt for the next Ivan."

The Simon Wiesenthal Centre, the group that vociferously maintained that Frank Walus was someone he was not, is described, in good sporting terminology, as "the world's top Nazi-hunting group."

We learn that the centre is "promoting Australia as a leader in the 'revolution' that in two years has swept the West from apathy to action in the pursuit of untried war criminals from the Holocaust." Rather, the whole international charade has been organised behind the scenes, no doubt with enormous financial and psychological pressure on governments, politicians and the media, and has imposed one community's war psychosis on nations.

Your report includes the choice advice: "The apparent success of direct approaches by Australia to Eastern bloc countries, including the Soviet Union, for access to information and witnesses has enhanced other countries' prospects of doing the same." What a poisonously clever way of using the word "enhanced" (which smacks of virtue and beauty)! Translated (for I write in the tradition of Orwell) this sentence means that we have been bootlicking tyrants so successfully that others will not sustain as much damage to their tongues as might have been expected.

So much for the coverage by The Australian of these events which are so threatening to our traditional freedoms and to the cause of Truth. But I have more to add.

I accuse.

I accuse the State of Israel of engaging in monstrous injustice, as already indicated, and call upon it to surrender my fellow-Christian to his family.

I accuse the Christian leaders and peoples of the West, including those in Australia, of disgraceful apathy and craven turpitude in allowing this wickedness to occur without the most energetic and articulate resistance.

I accuse the Jewish people, in Australia and overseas, of complicity in the actions of their misguided leaders; for there has been almost no Jewish criticism of their deeds.

I accuse the United States of America for yielding one of its citizens to a kangaroo court on the basis of deportation proceedings without due process.

I accuse The Australian of encouraging a New Inquisition and Witch Hunt when it is the responsibility of all decent intellectuals to plead in this context for an attitude of mercy and forgiveness.

The Australian Senate will later this month have an opportunity to put an end to Australian participation in this demonic crusade.

Unfortunately the Senate voted to support the passage of the War Crimes Amendment Bill, which had already been passed in the House of Representatives with bipartisan support. The Liberal-National Coalition voted against the proposed Bill in the Senate, but did not have the numbers to win the day. As a result, a small number of 'Nazi war crimes trials' were held in Australia, some aspects of the proceedings being quite farcical, but leading to no convictions.

IV

A letter from Count Tolstoy was published in the London *Daily Telegraph* on 12th April 1988. Here is the complete text:

Political considerations have been blatantly permitted to override the rule of law in the recently concluded case of John Demjanjuk (report, 19th April).

Last autumn I spent three days in the courtroom, testifying as an expert witness for the defence. There was scarcely an aspect of the court's procedure which did not strike at the most vital principles of natural justice.

The lack of a jury and the specious pretext employed to deny the defence any financial resource are apparently stable Israeli practice about which no more need be said. The case was regarded as a show

trial in every sense of the word, as was evident by its being conducted in a theatre with continuous live television coverage.

Judge Levin's conduct of proceedings represented an appalling travesty of every principle of equity. He regularly intervened with bitter sarcasm or crude personal attacks, always at the expense of the accused, his counsel or witnesses called for the defence. He repeatedly took especial care to forbid without explanation the hearing of much of the evidence most damning to the prosecution case.

The intervention of Shamir [the then Israeli leader] and other political figures in the proceedings would have been unthinkable in any civilised country, though it may be conceded that the Prime Minister possesses a closer acquaintance than some with the theory and practice of terrorism. Specially bussed-in audiences were repeatedly permitted to boo and hiss at appropriate moments, Judge Levin smilingly calling for order after an appropriate time-lapse.

Neither defence nor prosecution laboured under any delusions with regard to the outcome. In conclusion, the overwhelming impression one received was that no judge or prosecution (in this case virtually indistinguishable) could possibly have found it necessary to act in the way they did, were they genuinely convinced of the defendant's guilt. It can only be hoped, for Israel's sake almost as much as Demjanjuk's, that the Appeal Court does not display the blind intransigence which (alas) most concerned observers anticipate.

One distinguished Australian who was alive to the improprieties of the first Israeli trial of Demjanjuk was B. A. Santamaria, the president of the National Civic Council, an anti-communist pressure group with a distinctly Catholic atmosphere. In his Point of View column in the NCC journal *News Weekly* for 11th May 1988 entitled 'War crimes trials... a matter of justice', he pointed out that, as the Senate was due to debate the proposed War Crimes Amendment Bill on 17th May, what mattered were 'the danger signs which the procedures in the Demjanjuk case signal as to the forthcoming trials of alleged war criminals in Australia.'

Santamaria noted that Demjanjuk's conviction 'was secured in large part by the Court's acceptance of the genuineness of an identity card supplied by the Soviet KGB' and that it was well known that this organisation had often framed people.

He then quoted a letter by Lord Denning, Master of the Rolls, whom he described as 'the most prominent legal member of the House of Lords over the last quarter century', in the 28th April issue of the *Daily Telegraph*. This deserves to be reproduced here in full, as it shows the kind of treatment, well outside the realm of the lawful, to which Demjanjuk had been subjected by *force majeure*.

John Demjanjuk,' wrote Lord Denning, 'has been tried by the judges of Israel and sentenced to death.'

I would ask these questions.

First, against what law has he offended?

Not against the law of Israel. The offences were committed in the years 1942-1943 before the State of Israel existed or had any laws of its own. It was not founded until 1948.

Nor were the offences committed against the laws of Germany or Poland. They were committed in the concentration camp at Treblinka and were done by the orders of those in authority in those states.

The only law against which he had offended was the international law in respect of crimes against humanity. It was defined in the Charter of Nuremberg: "Murder, extermination, and enslavement, deportation and other inhuman acts, committed against any civilian population before or during the war."

Second, what state had jurisdiction to try such crimes against humanity?

According to international law, a single state after the war might have jurisdiction to set up its special court to try such crimes committed by persons in its custody.

The four powers who signed the Charter for Nuremberg acted on this principle by agreeing to set up the Nuremberg Court to try war criminals then in custody in Germany.

But I know of no principle by which the State of Israel could set up such a court to try crimes said to be committed over 40 years earlier in a far off country by a man not in its custody.

In my opinion it was contrary to international law for the State of Israel to arrange with the United States for the deportation of Demjanjuk to Israel to stand trial there; and for the Court of Israel to try him there for a crime against humanity.

If he was to be tried at all, it should have been by an international court of justice like the one set up in Nuremberg for he was a war criminal just like Goering and the rest.

I am afraid too that the trial shows signs of racial and political vengeance. Whereas at the trial at Nuremberg the prosecution's case against those convicted was clear on the documents and undisputed, here there was room for doubt.

The prosecution's case was rested on identification by witnesses over 40 years later. But we all know how mistakes are made by the witnesses at identification parades here. The accused protested his innocence throughout.

The atmosphere at the trial can be seen by the report that there was "clapping, cheering and dancing" by the packed "audience" when he was sentenced to death.

When I have sentenced to death, there was a hushed calm and solemn silence.

(Lord Denning should have referred to Demjanjuk as 'a person accused of being a war criminal' and not as 'a war criminal' *tout court*. His complete confidence in the integrity of the proceedings at Nuremberg also appears most questionable.)

Santamaria felt that Lord Denning's arguments made it wrong for Australia to hold 'Nazi war crimes trials' of its own. If, despite this, the ALP government led by Robert Hawke, set such trials up, 'certain prerequisites were indispensable'.

One of these was that 'under no circumstances should there be any deportations.' Santamaria, had he lived long enough to see it, would have opposed the current campaign to deport Zentai to Hungary. Unfortunately his successors at the NCC think differently.

Another prerequisite listed by Santamaria was that 'Soviet, Yugoslav or other similar evidence should be totally disregarded unless corroborated by independent evidence clearly beyond Soviet (or similar)

control.' That, too, would stymie the attempt to deport Zentai, as the case against him rests essentially on proceedings carried out in Hungary under a communist government in 1948.

Five years later, after Demjanjuk's acquittal by the Israeli Court of Appeal, Melbourne Jewish columnist Robert Manne published an important opinion piece in *The Age* on 29th September 1993 entitled 'Justice and John Demjanjuk'. A number of his comments are worth recalling. For instance, reflecting on the first trial, he noted how difficult it had been for any Israeli court to provide a fair trial and explained: 'For many Jews in Israel and abroad, anyone who assisted with the defence of Demjanjuk was a Nazi collaborator or a traitor. In the course of the trial a Holocaust survivor actually threw acid in the face of Demjanjuk's tenacious defence counsel, Yoram Sheftel.'

Manne also commented on a failure of the court visible 'in the rougher than usual handling visited upon certain expert witnesses called for the defence'. One of these 'was so distressed by her experience in the witness box that, on the evening following it, she attempted suicide by slitting her wrists.'

Manne rebuked the judges for never admitting 'what common sense should always have made clear: that the memories of a face shown in an old photograph of those who had passed through a hell 40 years earlier, was no basis for sending a man to the gallows.' He even accused them of deliberate fabrication in that they 'concocted a story which had Ivan travelling to Sobibor in early 1943 and back to Treblinka in time for the uprising there in August.'

Manne especially condemned the role of the Office of Special Investigations (an arm of the US Department of Justice): 'If the reputation of the Israeli court has been tarnished by the Demjanjuk affair, the reputation of the OSI has been shattered. Since Sheftel uncovered the crucial Soviet depositions that revealed Ivan the Terrible's identity, it has been discovered by Demjanjuk's friends in the US that a considerable amount of this very evidence had been in the possession of the OSI since the late 1970s! It now seems clear that the OSI deliberately withheld this evidence from the Israelis... To have concealed evidence which might have saved Demjanjuk from the gallows and the Israelis from a major act of injustice is no small matter.'

Manne concluded, alas without prescience, that, while there was a strong possibility that Demjanjuk had served as an SS guard at Sobibor, 'since the death of Danilchenko [a man who had allegedly testified to the KGB that Demjanjuk was at both Trawniki and Sobibor] and in the absence of other evidence, it is highly unlikely that any civilised court would find him guilty of such a charge.'

Manne ended his piece with two telling rhetorical questions to which his implied answers were obviously no and yes: 'Can these or other failings be avoided in future Nazi war crimes trials? Is it not time to bring this process to a close?'

That Demjanjuk should never be sent for trial to Israel was well known in some quarters months before the trial began. For example, Patrick Buchanan, then a speech-writer for President Reagan, published an article substantiating that position which was republished in *News Weekly* on 12th November 1986.

Buchanan attacked the claims of various alleged eyewitnesses, after pointing out that no less than eleven survivors, as well as Simon Wiesenthal himself, had been wrong in identifying Chicago's Frank Walus as the 'Butcher of Kielce'. 'For six years,' Buchanan commented, 'Walus's life was living hell because of the testimony of such eyewitnesses. Finally, overwhelming proof turned up that all were

wrong, that Walus had spent the entire war in Germany as a farm labourer, that he was too short, too young and of the wrong nationality (Polish) even to belong to the Gestapo.'

Buchanan summed up his findings in a single devastating sentence: 'In brief, as many Treblinka survivors claim "Ivan" was killed in 1943 as say he survived the war, and the number who do not identify Demjanjuk as "Ivan" far exceeds the number who do.'

As for the identification card placing Ivan Demjanjuk at Trawniki, which the Soviets conveniently produced in 1980, Buchanan provided the following critique.

An expert who examined the card found that an "umlaut" was missing on a word on the ID card and that the card used, instead of a separate letter, a combination of letters not common in German until about 1960.

The former paymaster at Trawniki claims he never saw a card similar to this one at the camp: "Missing is the date of issue, missing is the place of issue, missing is the officer's signature."

The photograph of Demjanjuk on the card has been tampered with – parts are blocked out. Demjanjuk – from a blow-up – is wearing a Russian tunic.

The photograph was obviously stapled to some other document before being placed on the card.

The seals on the card are misaligned – as though separate documents were placed together.

The card gives Demjanjuk's height as roughly 5ft 9in – he is actually 6ft 1in.

We have no card; the Soviets have only provided a photostat copy.

We are entitled to ask how the Office of Special Investigations could consider itself in a position to recommend the deportation of Demjanjuk to Israel. A strong presumption exists that it was fatally biased in its handling of the whole matter.

V

It is to the great credit of *News Weekly* that between 1986 and 1994 it reported regularly on the Demjanjuk case, often providing information that did not appear in the major newspapers.

It had much to say about the alleged Trawniki training camp ID card with Demjanjuk's name on it. On 18th May 1988 it reported Edward Nishnic, son-in-law of Demjanjuk, as documenting faked Soviet evidence against his father-in-law. 'He has a copy of an article from a Soviet magazine which showed an ID card, made out in John Demjanjuk's name, but with the photograph of another person on it.'

On 25th May 1988 *News Weekly* provided an edited transcript of a talk given by Nishnic in Melbourne the previous week. Nishnic said: 'Without this document [the ID card], there is not another document in the world, any record, any form, anything with the name John Demjanjuk, anywhere. I have here a report from Warsaw from the Ministry of Justice Main Commission investigating Nazi Crimes in Poland. The top line reads, "with reference to your letter, the [Commission] wishes to inform you that we do not have any data concerning Demjanjuk." They literally had never heard of him. The same report came back from the Berlin Documents Centre.'

Nishnic pointed out another suspicious matter: 'Appearing on this identity card which is the back of this card, it has the wrong man's picture on it. This picture just so happened to be the picture next to the alleged picture of Mr Demjanjuk on the Soviet photo spread.' He implied that the card had been supplied to a Soviet journalist by the KGB.

Nishnic further pointed out: 'On the card, which was actually on the original, it said that this card was translated in the year 1948 after the Red Army had swept these camps... One thing we couldn't figure out and brought to the attention of the court – if in fact this card was translated in 1948, why would they pay his mother a Hero's Pension until almost 1960? The card disappeared and later reappeared with a section which as you can see clearly a blank was put over it before it was copied. We took this to the Soviet embassy in Washington DC and said this was altered; explain why you took that date off. Vice-Consul Valery Nkubinov in Washington said, "That's in the interests of the Soviet Union, and it's none of your business."

On 26th October 1991 *News Weekly* published a review by Michael Fitzgerald of a book entitled *Ivan the Terrible* and sub-titled *The Trial of John Demjanjuk* by Tom Teicholz, published by the prestigious firm of Penguin. The book was a Jewish writer's attempt to whitewash the findings of the first Israeli trial. Fitzgerald reported and commented on Teicholz's tale: 'The most telling piece of documentary evidence was the so-called Trawniki card. This was "uncovered" by the relevant KGB department following a request for information on an "Ivan Demjanjuk at Trawniki". It was made available to the prosecution through the good offices of Armand Hammer, a confidant to the Soviet leadership since the time of Stalin.' [On 14th August 1993 *News Weekly* described Hammer as 'the disgraced industrialist'.] Fitzgerald noted that the defence had 'disputed the card's details relating to Demjanjuk's hair colour, complexion and facial shape' and that the judges in their judgement had stated that it was 'not the technical details [of the documentary evidence] which will seal the fate of the accused.'

On 11th April 1992 *News Weekly* published an article titled 'Germany's *Stern* uncovers Demjanjuk fraud.' Here are excerpts from this important item:

'The so-called Trawniki Card was provided to the Israelis by Soviet authorities. It was given to the Federal Criminal Police in Wiesbaden in January 1987 so that forensic experts could determine if it were genuine. The Germans concluded that at first sight the document contained a series of distinctive features that placed some doubt over its authenticity. The head of the unit, Dr Louis-Ferdinand Werner, recorded in a memo that: (1) The card did not have – as was customary – a date of issue; (2) The rank of the issuing officer, *SS Hauptsturmführer* (Captain) Streibel was printed on the card and not entered by hand or by typewriter, as was customary because ranks would change rapidly; (3) The photograph of Demjanjuk's head had been mounted to the neck with two different types of glue; (4) A quite unusual typeface (for that period) was used; and (5) The SS-runes shown on the card had been drawn by hand before being copied by the printer.

The forensic experts informed the Israeli embassy in Bonn of these initial observations and said that a fortnight would be needed to allow a meticulous examination. The Israelis responded that 'further examinations are no longer required.' Dr Werner concluded in his memo: 'In this case the experts' doubts are to be subordinated to political considerations' and that 'finding out the true facts of the case does not really matter here.'

Stern reported: 'Undeterred by these events, Police Major Bezaleli [from the Document Laboratory in Jerusalem] subsequently proceeded...to the Federal Archives in Koblenz and other places to look for any material substantiating the authenticity of the document – this was likewise unsuccessful. He searched for a comparable SS identification card – in vain – for there is not one single specimen in Germany.'

Stern added: 'Also, the signatures on this [card] have obviously been counterfeited: The former SS *Hauptsturmführer* Karl Streibel, who allegedly signed the ID-card, as well as Rudolf Reiss, the former pay-sergeant of the SS training camp at Trawniki, where, according to the ID-card, Demjanjuk served in 1942, emphatically denied in sworn statements in the presence of German detectives, ever having signed, handed out or even having seen such a document.'

Contemptuously and sarcastically, *Stern* noted that the Israeli court had 'accepted the judgement of Professor Scheffler, a historian, who, without training in forensic science, believed the card to be authentic, adding that "anyone who would like to falsify such a [card] would have to be an absolute expert."'

On 28th August 1993 *News Weekly* published a report that the German weekly news magazine *Der Spiegel* had reached a similar conclusion about the ID card. 'Bavarian writing analyst Dieter Lehner examined the Trawniki ID closely. He pointed out a false service seal had been used on the card, the improper usage of German words, and a letter 'k' in the wrong style, which led to the manipulation of the signature. Other indications: grammatical markings were missing or were hand-marked rather than printed; the service number 1393 had been assigned even before Demjanjuk was captured by the Germans and the photograph was probably removed from Demjanjuk's 1947 Regensburg driver's licence, added to the Trawniki card and then retouched.'

It should now be apparent to the reader how totally unreliable the card is and that it is the product of deliberate Soviet efforts to frame Demjanjuk to secure his conviction for American and Israeli interests.

VI

News Weekly's coverage also had much to tell about the Office of Special Investigations. On 4th May 1988 an article referred to 'a three-year Freedom of Information battle' to obtain Soviet documents from the OSI for Demjanjuk's defence. On 18th May 1988 it commented, again relying on Nishnic, that this evidence 'was withheld from Demjanjuk's lawyers, apparently because the Office deeply resented its failure to secure convictions in the Walus and Fedorenko cases.'

On 25th May 1988 in the Melbourne statement by Nishnic *News Weekly* published significant information of how the world campaign against 'Nazi war criminals' began: 'The Demjanjuk case started in the Soviet Union – I can back it up to before Elizabeth Holtzman – the originator of the Holtzman Amendment which initiated the Nazi hunt – had gone to the Soviet Union to discuss two basic issues. First and foremost was for freer immigration of Soviet Jews into the USA and secondly was to collaborate with the KGB on bringing back to justice their accused war criminals. Several years later a man by the name of Michael Hanusiak – the head of the Communist Party in the US – went over to the Soviet Union and had evidently open access to their archival centres. He came back to the United States with a list of suspects. One of the names on that list was Ivan Demjanjuk.'

So the whole campaign against Demjanjuk and others was initiated by a collaboration between totalitarian communists and elements within the world Jewish community. The role of the latter deserves comprehensive investigation by impartial researchers in the future.

Nishnic also referred to the testimony of Danilchenko (or H. Daniel Shenko) who claimed to have been with Demjanjuk in Sobibor, Regensburg and Flossenbürg from March 1943 to the end of the war; and Nishnic described him as 'an official Soviet eye-witness.'

On 16th January 1993 *News Weekly* published some more damaging information about the OSI: 'One former prosecutor, George Parker, stated under oath that he had sent a memo to his superiors warning that to proceed with the Treblinka allegations would violate professional ethics. Parker produced a copy of the memo – the existence of which has been repeatedly denied by government lawyers. It carefully details that the evidence presented two factually irreconcilable scenarios regarding Demjanjuk's alleged whereabouts during World War II.' The first placed him in Treblinka, the second at Sobibor at the same period. 'We have little admissible evidence that the defendant was at Sobibor,' the memo stated. *News Weekly's* report continued: 'Parker and former colleague Martin Mendelsohn have testified about the degree of pressure brought on the OSI by a former member of Congress, Joshua Eilberg of Pennsylvania. Eilberg wrote to the then Attorney-General Griffin Bell to say that the Justice Department "could not afford to lose" the Demjanjuk case. Parker told the court that he left the OSI because he could not ethically continue to prosecute Demjanjuk on the Treblinka charges. He said that his misgivings were dismissed by his superiors.'

It is not surprising that US authorities eventually turned the spotlight on to the OSI. In its edition of 3rd July 1993 *News Weekly* noted that 'The United States Supreme Court has approved the current investigation into the US Government's extradition and denaturalisation case against John Demjanjuk. Two former OSI attorneys had sought a Supreme Court order to halt the investigation by the Circuit Court of Appeals on the grounds that the Circuit Court had no jurisdiction once Demjanjuk was extradited to Israel in 1986.'

The same news report quoted London *Daily Telegraph* writer Herb Greer as likening the past treatment of Demjanjuk to a 'positive lynching' in which 'officials charged with enforcement take it upon themselves to bend or ignore the due processes of law.' Greer remarked of the Demjanjuk case: 'During the deportation proceedings the American Government perverted its own due process by rigging a photo-identity routine, refusing close examination by the defence of a disputed identity card, and by throwing away evidence that would have helped Demjanjuk's defence. Later the American authorities suppressed a cable from the Russian Government that clearly established Demjanjuk's plea of mistaken identity.'

On 14th August 1993 *News Weekly* noted the infamous manner in which the US could obtain denaturalisations and extraditions: 'Unlike Australia, the United States did not enact legislation to try Nazi war crimes cases. Instead, civil hearings – which require far less rigorous evidence than criminal trials – are used against suspected Nazis to strip them of the protection of US citizenship. Thus exposed, they are deported to their former countries or – in Demjanjuk's case – to whoever wants them.'

On 28th August 1988 *News Weekly* reported a second legal victory for Demjanjuk on 3rd August 'when a US federal court in Cincinnati ruled that [he] must be permitted to return to the United States.' After the Israeli appeal trial, the judges had taken over nine months to give their verdict (only two months had

been needed for a verdict in the first trial). There had been calls to have Demjanjuk re-tried as a Nazi war criminal in the Sobibor camp.

News Weekly noted that the US Court of Appeals had 'criticised the US Justice Department's prosecution of Demjanjuk, calling it "careless at the least." The court also questioned how Attorney-General Janet Reno could have supported the legal position that Demjanjuk should continue to be barred from the US while federal courts reconsider their earlier decision to revoke his American citizenship.'

Nishnic, *News Weekly* added, had said that 'in the Cincinnati courtroom the US Government had argued that Judge Thomas Wiseman's report to the Court of Appeal had cleared the Justice Department of fraud. "At that point", Nishnic said, "Chief Judge Gilbert Merritt advised Douglas Wilson (the attorney for the US Government) that the issue had not been resolved and would be the subject of arguments to be presented on 3rd September in Cincinnati."'

The OSI was finally nailed, as *News Weekly* reported in its edition of 4th December 1993: 'A United States court of appeals has ruled that the prosecution case against alleged war criminal John Demjanjuk "constituted a fraud on the court." In a unanimous verdict, the Sixth Circuit Court of Appeals struck down its own previous decision approving Demjanjuk's extradition and said that federal prosecutors [had] "acted with reckless disregard for the truth." It found that the OSI had withheld documents which supported Demjanjuk's contention that he was a victim of mistaken identity.'

VII

The picture of the mistreatment of Demjanjuk can be fleshed out still further by looking at other information provided by *News Weekly*. On 18th May 1988 its report of statements by Nishnic included the following: 'Contrary to press reports in Australia, Demjanjuk made no 'confession' either to the American marshals who escorted him to Israel, or to an Israeli policeman who spoke Ukrainian, he said... the reports were false, and no such evidence was introduced at the trial.' A comprehensive study on the reporting by the major Australian print media of the Demjanjuk affair between 1986 and 1993 would almost certainly show a continued bias in favor of his accusers. We are entitled to ask why.

A number of items in *News Weekly* raise the strong suspicion that the Israeli trial of Demjanjuk was being used for reasons other than the authentic conduct of justice. For example, in his review of Tom Teicholz's book on 26th October 1991, Michael Fitzgerald commented: 'It also serves to show the motivation of the "war crimes lobby" which has succeeded in convincing countries such as Canada and Australia to spend millions of dollars bringing alleged war criminals (but only those associated with Nazi Germany) to justice. One gets the impression that this is basically an educational exercise aimed at a number of targets: (1) the younger generation of Jews which is apparently showing a lack of interest in the Holocaust; (2) non-Jews, to remind them of their role in anti-Semitism; and (3) to overshadow and discredit the activities of "revisionist" historians whose claims that the Holocaust has been exaggerated or substantially invented have gained ground in France, Germany and North America. Alan Dershowitz... fully endorses Teicholz's book, saying that it is... "for a world which must never be allowed to forget."'

On 3rd July 1993 in the previously mentioned article by Herb Greer quoted by *News Weekly* from the UK *Daily Telegraph*, we read: 'One witness was seen to contradict his own written statement made decades before when memories were fresh and more dependable, yet the contradiction was ignored and the testimony taken as true, because the witness was a Holocaust survivor. His transparently

vengeful malice and the consequent possibility of reasonable doubt was also ignored. Even after the lucky discovery of post-*glasnost* documents from KGB files made it clear that Demjanjuk's plea of mistaken identity was valid, the self-contradicting Israeli witness still stuck to his story... This raised the question of whether some survivors of the Holocaust have been corrupted by their own suffering and their longing for justice perverted into a desire for vengeance at any cost.'

Returning to the review of Teicholz's book, we may note that Michael Fitzgerald wrote very scornfully about the Israeli attempt to discredit Demjanjuk: 'The historical experts called by the prosecution to demolish Demjanjuk's alibi must have spent their lives hiding their lamps under a bushel. They were... unknown in their field, with one, a Dr Meisel, even arguing that Poland was Germany's ally in World War II.'

In its report of 14th August 1993 *News Weekly* reminded its readers that for sixteen years Demjanjuk had been facing one trial or another. 'He has been imprisoned in Israel since 1986 in a 7 foot x 12 foot cell in which a light burns constantly, with his every word and movement recorded on audio-visual equipment.'

VIII

News Weekly on 10th November 1990 published shocking information about an earlier 'Nazi war crimes case' under the heading 'False evidence claim in US extradition case'. The report began: 'There is a growing body of evidence that an alleged war criminal, Andrija Artukovic, was extradited from the US to Yugoslavia in 1986 on charges of massacres that never occurred. The uncorroborated evidence used by the American Office of Special Investigations has been challenged by four experts, and the OSI is now being investigated by the Justice Department's Office of Professional Responsibility over its handling of the case.'

This story is of especial personal interest to me. Artukovic was in his late eighties when he was extradited on 11th November 1986; and a two paragraph story about this appeared in Melbourne on the front page of either *The Age* or *The Australian*, probably on 12th November. I read this story and was profoundly horrified. I thought: 'You simply do not treat men of that age in such a way, no matter what they have been accused of! How can someone of such an age defend himself effectively? And why on earth is a 'free nation' sending him to a totalitarian communist country behind the "Iron Curtain"? This is positively evil behaviour!'

It was from that moment that I became a committed opponent of the campaigns to 'obtain justice' by placing on trial alleged 'Nazi war criminals'. That was why I could oppose from the start the procedures by which Australia was drawn into the ungodly action by means of the unethical and, I believe, unlawful altering of our War Crimes Bill to enable retrospective legislation under which the alleged criminals could be charged. If ever a fully impartial study is written of how the War Crimes Amendment Bill became Australian law, I believe it will establish that corrupt practices were involved.

That was also why I have been able to follow the Demjanjuk case from before his extradition to Israel.

Artukovic died in prison awaiting a firing squad following his conviction in what was almost certainly an unjust trial.

Here is an extended quotation from *News Weekly's* analysis of the Artukovic case. It casts further light on the machinations of the OSI.

His extradition derived from a Yugoslav petition based on two affidavits. One claimed the murder of a single individual, and was unsubstantiated by other information. The second was an affidavit by Bajro Avdic, a Croat who had been imprisoned by the Yugoslav Government after the war. He claimed that Artukovic was personally involved in a number of massacres, some involving as many as 5,000 victims.....

Ironically, Dennis Reinhartz, a University of Texas at Arlington historian, was one of the OSI's consultants on the Artukovic case. He recently told the Washington Times that while Artukovic was an important member of a Nazi puppet government, he does not believe the evidence of Avdic. "He was quite clearly cutting himself a deal with the government that had him imprisoned. On those events there is no corroboration," Reinhartz said.

OSI officials said that Reinhartz had never challenged the accuracy of the charges contained in the Avdic affidavit during the Artukovic trial.

However, under America's rules of extradition used against Artukovic, his supporters could not testify to anything that contradicted the evidence put forward by the Yugoslavian Government. According to an OSI brief in the case, Artukovic and his supporters also could not attack the credibility of any of the affidavits in the case, nor could they attack the communist Yugoslavian system of justice.....

When the case came to trial, witnesses for Artukovic were not allowed to describe what they considered proof that the Yugoslav evidence was fraudulent.

Another historian, Charles McAdams of the University of San Francisco, said of the specific evidence against Artukovic: "It was absurd, a joke. The crimes never happened." McAdams was also prevented from testifying at Artukovic's extradition proceedings.

McAdams told the Washington Post: "...There was no credible evidence against Artukovic on these crimes. The OSI wanted him badly and they got him. None of the standards of justice used in the US were applied."

A fourth piece of evidence comes from Dr Milan Bulajic, a former Yugoslav diplomat who..... has published a book in Yugoslavia claiming that the massacres for which Artukovic was convicted were inventions. Bulajic told a Belgrade newspaper, "There was no legal reason for the extradition. Andrija Artukovic was sentenced for crimes that never took place."

This was known in 1990. The corruption of the OSI in its campaign to have Demjanjuk tried in Israel was established by 1994. Yet the USA allowed the OSI, after that, to organise another campaign that resulted in Demjanjuk being deported to Germany at the age of eighty-nine. How could this be? And how can anything that the OSI and its associates then alleged against Demjanjuk possibly be believed? Perhaps the Demjanjuk family has grounds for a massive damages claim against the US Government.

IX

There is no doubt whatsoever that, in his deportation to Israel (including the processes in the USA that led to it) and in his experiences in the two trials there between 1986 and 1993, John Demjanjuk was subject to monstrous injustice, including the reception of a sentence of death for crimes he had never

committed. A thorough investigation is called for by the historians of the future into all the circumstances that led to this colossal miscarriage of justice.

One would have thought that any person known to have been so mistreated would not be further pursued in campaigns for 'justice' in the relevant context of wartime activities allegedly carried out fifty or more years earlier. One would have thought that ordinary human-kindness and compassion would have moved the hearts of any accusers to leave this man alone and to the judgement of God after this life. One would have thought that a care for their own dignity and public image would have kept such accusers silent.

This was not the case. It is time to examine the second campaign against Demjanjuk, which began as soon as he arrived back in America after release from Israeli custody.

X

Despite Demjanjuk's complete exoneration from the charges brought against him in Israel (whether or not he was formally acquitted or merely, as some of his opponents claimed, released from custody), certain persons and groups were unable to, or unwilling to, concede that he should now be allowed to live out his life in peace. There were some indications during the Israeli trials that he might have served as a guard not at Treblinka, indeed, but at another alleged extermination camp, Sobibor. Accordingly a new campaign against him began at once, spearheaded by the OSI. No apologies or regrets were extended to Demjanjuk by the OSI or the US Department of Justice over his wrongful extradition to Israel and wrongful subjection to imprisonment there. Nor was any compensation offered to him or his family.

He regained his citizenship in 1998, but a new campaign against him led to a second denaturalisation in 2002. In 2005 US judicial authorities found that he could be extradited to the Ukraine (his land of birth), Poland (the land in which his alleged crimes at Sobibor took place) or Germany (the land whose nationals operated the Sobibor camp). After a series of legal battles, Demjanjuk was finally extradited from the US to Germany in 2009, when he was eighty-nine years old. He was found guilty by a German court in Munich in 2011 of having been an accessory to the murder of 28,060 Dutch Jews in 1943 and sentenced to five years' imprisonment. His lawyers appealed the decision and he then died in a German nursing home, technically a free man. During the trial, which lasted over a year, he attended the court in a wheelchair or on a stretcher. Apart from denying the charge at the trial's beginning, he remained silent throughout the proceedings.

His opponents and enemies, those who had initiated or supported this second campaign to bring him to 'justice', were happy with the verdict; but was he really treated justly during this second courtroom ordeal, after he had been removed from the care and comfort of his family in the USA?

XI

One answer in the negative has been provided by Thomas Kues in an article entitled '[Demjanjuk Sentenced to Five Years in Prison](#)', published online in the blog of the revisionist journal *Inconvenient History* and republished by Bradley Smith in *Smith's Report*, No. 182 for 11th June 2011.

Kues noted that 'the only existing testimonial evidence consists of a few vague statements of dubious value from former Ukrainian auxiliaries made behind the Iron Curtain. Not one of the surviving Sobibor

inmates has placed Demjanjuk at Sobibor.’ Furthermore, the only piece of documentary evidence supporting the presence of Demjanjuk at Sobibor was the suspect ID card from the SS training camp at Trawniki, whose counterfeit nature had been exposed in the Israeli trials. A month before the sentence was passed on Demjanjuk a formerly classified FBI report had surfaced which stated that the card was ‘quite likely fabricated’ by the Soviet Union. There exists a very strong presumption that the OSI held this information before the denaturalisation hearing that enabled Demjanjuk to be deported to Israel!

Experts, or those thought to be so, have disagreed throughout the whole Demjanjuk process, including the three trials, as to whether or not the card is genuine; but it seems safe to sum up that the burden of doubt about it is such that it should not have been relied on, as it was, by the German judge.

Kues pointed to a serious anomaly about the German prosecution: ‘The mere presence as a guard at Sobibor, or any of the other “pure extermination camps”, has until now not been considered punishable. In fact, at the Sobibor trial in Hagen in 1966, five out of the eleven accused former German camp personnel were acquitted, despite their admitted presence in the camp..... All these men were of higher rank than Demjanjuk.’

Then Kues brought out his heavy artillery.

‘There exists no documentary or material evidence whatever supporting the official claim that Sobibor served as a “pure extermination camp” where hundreds of thousands of Jews were gassed, buried and later dug up and burned on open-air pyres. The only documentary evidence mustered by prosecutors and Holocaust historians consists of reports and transports lists confirming that large numbers of Jews were sent to the camp..... On the other hand, a directive issued by Himmler on 5th July 1943, as well as a reply from Oswald Pohl on 15th July 1943 (Nuremberg document No. 482) speaks of “the Sobibor transit camp located in the Lublin district.”’

Kues continued with a second devastating assertion: ‘In 2001 and 2008 two teams of archaeologists, the first headed by the Polish professor Andrzej Kola, the second by the Israelis Isaac Gilead and Yoram Haimi and the Pole Wojciech Mazurek, went over the whole of Lager III, the “death camp” proper of Sobibor – corresponding to an area of less than four hectares – using probe drillings as well as numerous excavations without finding any trace whatever of the camp’s alleged homicidal gas chambers. As it is radically impossible, given the limited area and the time available, that these well-equipped teams of specialists would fail to locate any remain or trace, however slight, of the large concrete or brick building described by the self-styled eyewitnesses, only one conclusion is possible: the alleged homicidal gas chambers never existed.’

Kues also argued that, contrary to the official story of ‘orthodox historians’ that not a single Dutch Jew was ever deported further east than Poland, there exists abundant evidence otherwise (of which he provided several examples), so that ‘There is ample reason to believe that the 28,060 alleged victims were in fact sent on to the German-occupied territories of the Soviet Union and the Baltic states.’

This set of arguments challenging the official or received version of the history of the Sobibor camp could not be used to assist Demjanjuk. Commented Kues: ‘The defence, undoubtedly aware that any mention of said facts would run afoul of Germany’s laws against “Holocaust denial”, settled on the usual strategy: accepting the officially sanctioned version of events while insisting on the personal innocence of the defendant.’

What this means is that, because of pre-existing unjust laws in Germany which are an affront to intellectual freedom and judicial integrity and should never have been enacted in the first place, Demjanjuk could never enjoy a fair trial on the charges against him. The OSI and other American officials who combined to have Demjanjuk deported to Germany knew of this situation. There is thus an overwhelming presumption that both the second campaign to extradite Demjanjuk from the USA and the German trial that followed were every bit as corrupt as the first Israeli trial.

XII

A little earlier, in 2009, Paul Grubach had published, also online at *Inconvenient History*, a detailed essay contesting the received account of the Sobibor camp. Entitled [‘The “Nazi Extermination Camp” of Sobibor in the Context of the Demjanjuk Case’](#), it drew attention in detail to the host of contradictions in ‘survivor testimony’ about the happenings at Sobibor, a phenomenon which leads to very serious doubt indeed that Sobibor was a ‘death camp’.

For example, some alleged that carbon monoxide was the gas used for the murders, but others asserted that it was chlorine, others a different gas, others that electricity and not gas was used. Then again, some witnesses claimed that the engines supplying the gas were diesel, but others asserted that they were benzene. ‘Even mainstream Sobibor expert Christopher Browning admits that the type of engine used to generate the death gas cannot be determined.’

There were also discrepancies on the number, dimensions and capacities of the ‘gas chambers’, so that ‘even the official mainstream historian of Sobibor, Jules Shelvis, finally admitted that the capacities of the chambers cannot be determined.’

Various witnesses also disagreed with each other about the structures of the gas chambers, some saying that they were made of wood, others saying they were made of brick, still others claiming that they were made of stone.

Conflicting accounts were also given of the length of time it took to asphyxiate victims, varying from ten to thirty minutes. Disagreements are on record, too, about how the corpses were removed from the ‘gas chambers’ and how they were disposed of.

Another suspicious detail is that while the official US government position, in the hearing that denaturalised Demjanjuk in 2002, was that Sobibor was a top secret camp, yet other witness stories assert that ‘virtually everyone in the surrounding area soon realised what was going on’ there, because the flames, glow and smoke of ‘mass burnings’ could be seen for miles around.

Further disagreement exists as to the number of persons murdered at Sobibor, from ‘half a million’ to around 150,000 or 167,000.

Grubach took particular aim at the ruling of US District Court Judge Paul. R. Matia at the end of the 2002 hearing. The judge stated that ‘In serving at Sobibor, Defendant [John Demjanjuk] contributed to the process by which thousands of Jews were murdered by asphyxiation with carbon monoxide.’ He also claimed that ‘This [case against John Demjanjuk] is a case of documentary evidence, not eyewitness testimony.’ Grubach pointed out that that second statement is misleading. ‘The current case about Demjanjuk allegedly serving at Sobibor is based upon purportedly authentic documents. But what Matia asserts about Sobibor being an “extermination camp” is based exclusively upon eyewitness testimony.’

As a result of his detailed analyses of the inconsistencies and contradictions in the testimonies of alleged eyewitnesses, Grubach posed a question for Judge Matia: 'Since [he] effectively sealed John Demjanjuk's fate, I would like to ask him this pointed question. Since we cannot determine how many 'gas chambers' there were, nor their dimensions and capacities; what the exact death gas really was; what type of engine was used to generate the death gas; what the chambers were made of; where these structures were located; how long it took for the victims to be asphyxiated; how the corpses were removed from the chambers; how the bodies were buried in a lake-like area; what substance was used to burn the bodies; how the millions of unburned bones and teeth were disposed of; and how many were killed: how then can Judge Matia rule with any confidence that John Demjanjuk "contributed to the process by which thousands of Jews were murdered?"'

Grubach pointed to serious credibility problems with the testimony, hostile to Demjanjuk, of Thomas Blatt: 'The mere fact that Blatt was allegedly at Sobibor for six months and was not murdered is consistent with the Revisionist hypothesis that Sobibor was not an extermination centre for Jews, but rather a transit camp where Jews were deported further east.' Blatt's testimony is suspect for several reasons. For example, he stated that the special barrack where the women's hair was cut off before entering the gas chambers was "just steps away" from them, whereas Sobibor historian Yitzhak Arad claims that the path (the 'tube') that led from the reception area for Jews (Lager II) to the extermination area (Lager III) was 150 metres long.'

Grubach also dealt with the claim that the Nazis destroyed Sobibor Camp to destroy evidence of exterminations and suggested instead that they were aware of false atrocity stories circulated by the Allies and wanted to prevent the camp being used to create new propaganda that could ultimately be used against them after the war.

Grubach proceeded to argue that the official extermination story of Sobibor is utilised as 'a non-scientific axiom, because it cannot be falsified. It is just assumed to be true – just like a religious dogma. He explained, also, that the reason that German soldiers 'confessed' to 'Nazi gas chamber' crimes after the war was to save their skins or mitigate punishment for themselves and their families. 'The "Nazi extermination camp" mythology was declared "historical truth" at the Nuremberg trials, and it was then used as an ideological cornerstone for the Allied-installed governments in post-war Germany.....From a legal standpoint they [the accused German soldiers] had no choice but to give credence to this legend..... It was out of the question for them to contest this in court, so they simply built their defence strategies accordingly.' Grubach quotes the revisionist German judge, Dr Wilhelm Stäglich, and mainstream historians Browning and Ian Kershaw, who all testified to this need of the soldiers to lie.

In a document prepared for the Penguin Books/Deborah Lipstadt team in the famous UK High Court action brought and lost by David Irving, Browning argued in effect that a convergence of evidence proved the Sobibor extermination story despite the many contradictions and inconsistencies in eyewitness testimonies. However, Grubach argued in contrast that 'A series of false testimonies can converge on a falsehood.'

Grubach summed up his rebuttal of Judge Matia's 2002 ruling: 'The traditional extermination story at Sobibor has no authentic war-time documentation to support it, nor does it have any forensic or physical evidence to prove it. It is based exclusively upon the testimony of former Sobibor inmates and the post-war testimony of former German and Ukrainian soldiers who served at Sobibor..... Even if it is proved that Demjanjuk served as a guard at Sobibor, there is no evidence he ever contributed to the

process by which Jews were murdered in “gas chambers” – because there is no credible evidence the “gas chambers” of Sobibor ever existed..... there is no credible evidence that he ever harmed a single person. Recently a Canadian court ruled in a similar case... that Ukrainian-born Wasyl Odynsky’s citizenship should not be revoked, even though he served at the German forced labour camp of Trawniki. Odynsky served as a perimeter guard, and the Federal Court of Canada ruled there is no evidence he harmed a single person. The same could be true for John Demjanjuk..... What Matia and the official history assert about Sobibor being an extermination camp is based upon the grossly unreliable testimony of former Sobibor inmates and the equally unreliable testimonies of German soldiers that were given years after the events in question and in grossly unfair courts.’

XIII

In this section of this essay I will provide additional information suggesting that Demjanjuk has been cruelly and wrongfully treated. Sometimes I will append a comment, sometimes not. These items are in random order and will be separated by centered asterisks.

*

Upon his return home from Israel, Demjanjuk and his family were subjected to harassment and menace by Jewish vigilantes. *News Weekly* on 12th March 1994 published an account by Myron Kuropas, a columnist with the US newspaper the *Ukrainian Weekly*, which reported that ‘one of the more visible and active leaders of the Jewish nomenklatura in the United States’, Rabbi Avi Weiss, had ‘led Jewish demonstrators in front of the home of John Demjanjuk in Seven Hills, Ohio, terrorising his family and demanding that the US Government deport [him] for “Nazi war crimes.” And the UK newspaper *The Economist* recalled on 24th March 2012 that, after the appeal trial in Israel, ‘He was not declared innocent, and his old life could never be resumed as before. He kept the house blinds drawn so as not to see the Jewish protesters circling silently outside.’

*

In 2005 and afterwards the US Supreme Court chose not to consider Demjanjuk’s appeal against Judge Matia’s deportation order. Why?

*

In Munich the court hearings during the 2009-2010 trial were restricted to two 90-minute sessions per day, because of the state of Demjanjuk’s health. Does that really convince us that the ‘Establishment’ doctors who claimed he was fit enough to undergo the trial were right?

*

There is controversy over Demjanjuk’s health. His defence team claimed that he was suffering from myelodysplastic syndrome, psychological torment, spinal pain and deterioration, hip and leg pain including gout, kidney disease and stones, anaemia and arthritis. Even if his condition was exaggerated for tactical reasons, is it likely that such a man was fit to endure such a complicated trial? Is it not more likely that the German doctors who claimed he was well enough to take part were exaggerating in the other direction to accommodate political requirements placed upon them?

*

The defence pointed out that the alleged statements by Danilchenko are all suspect and may have been obtained under torture or fabricated by the KGB. On 14th May 2011 Patrick Buchanan noted: 'Danilchenko has been dead for a quarter of a century; no one in the West ever interviewed him and Moscow stonewalled requests for access to the full Danilchenko file. His very existence raises a question. How could a Red Army soldier who turned collaborator and Nazi camp guard survive Operation Keelhaul, which sent all Soviet POWs back to Joseph Stalin, where they were murdered or sent to the Gulag?' And on 8th February 2011 Andrea Jarach of Associated Press wrote that a 1985 statement by Danilchenko refers to several other guards but never Demjanjuk. Danilchenko said in that statement that none of the Ukrainian guards were able to go into the areas where Jews were...gassed.'

*

Eight Sobibor survivors chosen by a Holocaust museum in the USA could not testify they had seen Demjanjuk at Sobibor. Patrick Buchanan on 14th April 2009 noted: 'One witness in Israel who was at Sobibor and says he knew all the camp guards, says he never saw Demjanjuk there.'

*

It can be argued that Demjanjuk was subjected to double jeopardy in being sent to Germany. It is not certain that Germany's claim to have had jurisdiction over him is valid. The claim by the prosecution that, when he agreed to serve as a camp guard, he became a German civilian, seems very tenuous.

*

Erik Kirschbaum, reporting for Reuters on 25th February 2009, reported that Germany's chief Nazi war crimes investigator in Ludwigsburg, Kurt Schrimm, had claimed that his office had evidence that Demjanjuk had been a Sobibor guard and personally led Jews to the gas chambers there in 1943.' Schrimm is also reported as having claimed: "It's now possible to give the precise names and birth dates of the victims.' Fran Yeoman in Berlin for the *London Times* reported on 15th April 2009 that Demjanjuk's oldest victim was 99 and the youngest were babies in what had been described as being 'as close an approximation of Hell as has ever been created on this planet.'

One suspects that all Schrimm really had was a list of persons transported to Sobibor and that the rest is eyewitness allegations and/or propaganda fabrications – possibly designed to assure ordinary newspaper readers around the world that everything was reasonable and in order in the Munich courtroom.

*

Two extraordinary reports surfaced during the trial. Were they propaganda to blacken Demjanjuk's name and stop ordinary people from protesting against the injustice of the trial?

One report (possibly from the London *Daily Mirror* of 15th May 2009) stated that Demjanjuk might be proven guilty of rape by DNA tests on the grandchildren of a woman he allegedly raped, a person who lived near the camp and bore a son.

The other reports were in the *Jerusalem Post* on 14th and 18th December 2009. Here it was alleged that Demjanjuk might have deliberately run over and killed a Jew named Moshe Lisogorski on 20th August 1947 in Ulm while driving a truck.' The allegation was being investigated by German authorities.

*

On 31st May 2009 the *Plain Dealer* reported that a 92 year-old man named Alexander Nagorny could state that he worked with Demjanjuk at the Flossenbürg camp. He did not, however, have anything to say about Sobibor. Flossenbürg was not a death camp.

*

John Rosenthal, writing in *Pajamas Media* online on 21st May 2009 stated that 'captured Red Army soldiers were notoriously permitted to starve to death. It is estimated that over half of the Soviet soldiers captured by the Germans died in captivity.' This suggests that, if Demjanjuk did serve anywhere as a guard for the Nazis, he had chosen to do so out of self-preservation. There seems to be agreement on both sides of this controversy that Demjanjuk lied about his past in order to emigrate to America; but whether he did this purely to avoid being repatriated to death or the gulag, or whether he really did have infamous behaviour to hide, is a question to which no certain answer is now likely to be found. In that case, he should have been given the benefit of the doubt.

*

A Dutch historian, Professor Johannes Houwink ten Cate, was allowed to give expert testimony despite defence objections that he could be suspected of bias and should not be allowed such status. (He had stated both before and during the trial that he was certain Demjanjuk was guilty.)

Former US Secret Service forensics expert Larry Stewart may have committed perjury in giving evidence about the ID card for the prosecution, according to Andrea Jarach of Associated Press in 2010.

Was the actual conduct of the trial biased against the defense, as it was in Israel? Only detailed analysis in the future will answer that.

*

There were only twenty German SS troops stationed at Sobibor. Is it likely that such a small number would have been assigned there if it was a death camp?

*

On 5th December 2009 the prestigious UK newspaper, *The Manchester Guardian*, apologised for publishing a letter by John Mortl on 3rd December, saying, inter alia, 'The underlying meaning, we now realise, implied Holocaust denial.'

John Mortl had, in fact, made the key objection to the trial that we have seen Thomas Kues and Paul Grubach explain. He wrote: 'What kind of justice is it that proscribes the normally accepted right of an accused to challenge the assumption that a crime had, in fact, occurred?'

Normally the prosecution is obliged to prove beyond a reasonable doubt that the crime of murder had taken place.

This is not the case in the German trial of John Demjanjuk. The prosecution will not have to present such evidence. The court will, without proof, arbitrarily accept that the alleged crime took place. His legal counsel will be prohibited on pain of prosecution from presenting evidence contradicting this

assumption. Being stripped of his most powerful defence, the accused is reduced to pleading mistaken identity or that he had nothing to do with an unproved murder.

It is disgraceful that the newspaper disowned this letter, grovelling to complainants, rather than investigating afresh the truth or otherwise of its claims – or at least asserting Mortl's right to express that opinion and the paper's right to publish it.

*

In the Winter 1994 issue of *Human Rights*, the journal of the Section of Individual Rights and Responsibilities (Vol 21, Issue 1, pages 28-29) Alfred de Zayas commented on aspects of the Demjanjuk case. The author was at the time a visiting professor of international law at DePaul University School of Law in Chicago. A graduate of Harvard Law School and a member of the New York bar, he also held a doctorate in history.

De Zayas argued that the Department of Justice and US judges 'ought to take international law into consideration, including the obligations undertaken by the United States pursuant to the Covenant on Civil and Political Rights' of 1966, when considering 'suits at law pursuant to the 1979 Holtzman Amendment in denaturalisation and deportation cases.'

De Zayas referred to Demjanjuk's ordeal up to 1994, including the 'further proceedings in the US following his return' from Israel. Rights which he felt Demjanjuk had been partly or wholly denied included: (1) the right to a fair hearing. 'Subjecting Demjanjuk to a criminal proceeding more than 40 years after the offences in question raises issues under this provision, because it is extremely difficult for him – or anyone in his positions – to properly represent himself, in view of old age and the near impossibility of obtaining exculpatory documents and witnesses, or even of remembering the events under investigation.' (2) the right to liberty and security of the person. 'It is questionable whether the length of detention was appropriate in the circumstances of this case.' (3) the right to family life and privacy. 'The [further] deportation of Demjanjuk would violate this right, because he would be separated from his entire family. (4) the right to equality of treatment. 'Currently one particular category of immigrants is being singled out for de-nationalisation and deportation: persons who served the Nazi regime, whether voluntarily or through conscription.' (5) the prohibition of inhuman or degrading treatment. 'The nature of the proceedings against Demjanjuk, the hostile atmosphere that accompanied the [first] extradition, the surrender for trial in Israel, the initial trial in Israel, the demonstrations of jubilation following his being sentenced to death in April 1988, the ensuing years of uncertainty, the continued detention for eight weeks following acquittal by the Israeli Supreme Court – all these elements, taken cumulatively, may be deemed to amount to cruel and degrading treatment. (6) the right to compensation. 'The question arises whether he is entitled to compensation for miscarriage of justice.'

*

A version of an article that appeared in *The American Almanac* and which was made available by *The New Federalist* newspaper online on 6th July 1998 had this to say about the context of the first Israeli trial: 'No one could foresee in 1986 that, three and a half years, four years onwards, the Soviet Union would collapse, and the entire communist regimes in Eastern Europe would collapse, as happened, and make it possible, to get this material [the new evidence from the Soviet Union archives]'

How easily Demjanjuk could have been unjustly executed in Israel!

*

Also from that excerpt from an edition of *The American Almanac* comes this account of a significant US official's response to the collapse of the Israeli case:

Five minutes after Demjanjuk was acquitted, Janet Reno, the Attorney General of the United States, was asked to comment. We are talking about a man who spent seven years, six months, and 21 days in prison in Israel for being what he's not, because of the Justice Department that Janet Reno heads. Now, she didn't have one word of criticism about the organisation she's in charge of. The only thing she said is that the Justice Department would do everything in its power to prevent the return of Demjanjuk to the United States.....

When that same Sixth Circuit [judge] said that the Justice Department, through the OSI, had committed a fraud upon the court, which almost led to the execution of an innocent man, she again was asked to comment. The only thing she had to say was that she would try to appeal the 6th Circuit decision to the Supreme Court, which she did. The Supreme Court refused to even certify the case. No investigation, nothing has been done since then by anybody in this country; no government body, not the US Congress or any other body within the government of the United States, has moved to investigate, let alone to actually prosecute. Why not? The activity of those responsible for this terrible travesty, didn't end with the case of Demjanjuk.

*

An important article published in the *Toronto Sun* newspaper in Canada on 21st May 2011 was 'No satisfaction in Demjanjuk case' by Peter Worthington. He reminded readers of the passions aroused by the Demjanjuk case in Israel, when a defence lawyer, Dov Eitan, a very distinguished Israeli jurist, was found dead after a fall from a fifteen-storey building. Passed off as suicide, it may well have been a murder, like the similar death of James Forrestal, opponent of the creation of the state of Israel, in the crucial weeks before the UN established the new state. Worthington reminded readers of the acid thrown by a Holocaust survivor in the eyes of Yoram Sheftel at Eitan's funeral.

Worthington also recalled Sheftel's comment in his book blaming two former OSI directors, Allan Ryan and Neal Sher, for 'the worst cover-up in concealing evidence in a major case taken by an American public prosecutor in modern history..... Sher was disbarred in 2002.'

The writer's scepticism about the German verdict is evident: 'There was no evidence he [Demjanjuk] had committed a specific crime, but the state argued just being there was evidence of guilt – the first time such a legal argument has been used in a German court.' In Australia we call that 'moving the goalposts'.

*

Demjanjuk authorised a statement on his behalf which was read to the German court on 13th April 2010. Included in this were the following points: 'I have already defended myself against the accusation of the Munich prosecutor while in Israel. In Israel I was accused of being connected to Nazi crimes in Sobibor. The Israeli Supreme Court specifically recognised that this accusation of the Israeli Prosecutor could not be proven..... I feel it is not compatible with fairness and humanity that for over 35 years I have had to defend myself as a constantly chased legal victim of the Office of Special Investigation of the

USA and the circles behind it, especially the World Jewish Congress and the Simon Wiesenthal Centre, which live off the Holocaust.'

*

An important statement was published on 29th June 2009 in *The National Law Journal* in the USA by Michael E. Tigar, Professor of the Practice of Law at Duke Law School and professor emeritus at American University Washington College of Law, John H. Broadley, the lawyer who represented Demjanjuk in the deportation case brought against him by the US Government, and Demjanjuk's son John. They declared that after the result of the Israeli appeal trial, 'Israel's attorney general said that the acquittal barred prosecution for other offences, including the ones now being pressed in Germany. Ironically, at that time, the OSI allowed Jacob Tannenbaum, a 77 year-old admitted brutal Jewish kapo, to live out his life at home in the US due to age and health reasons.'

The signatories confirmed that 'the OSI has never apologised to anyone, let alone Demjanjuk and his family, nor offered compensation. Nor were the perpetrators of the fraud punished or even reprimanded.'

Another important point they made was that 'the allegations now being made against Demjanjuk have been reviewed in Poland, the site of the death camps, and that government has pronounced the evidence insufficient and closed the investigation.'

*

Paul Grubach, in a short essay entitled 'Hunting Demjanjuk: Injustice, Double Standards and Ulterior Agendas', made another significant point:

'Noted journalist John Sack has documented how Jewish officials in Poland persecuted and murdered large numbers of German prisoners in the aftermath of World War Two in his book *An Eye for an Eye*. After committing such dastardly deeds, many of these Jews came to America. If it is right and just that alleged non-Jewish war criminals like Demjanjuk be legally hounded and deported, then Jewish war criminals should be met with the same fate. If the US Government devotes resources to the rooting out of non-Jewish war criminals, then they should devote resources to the rooting out of Jewish war criminals. To concentrate only upon non-Jewish war criminals is selective justice. And selective justice is in fact injustice. Why the hypocritical double standard? What really lies behind this campaign?'

What indeed? It is time now to consider that question and to reflect on the overall political significance of the Demjanjuk case.

XIV

On 21st May 2010 Andriy J. Semotiuk published an important essay on the case in the newspaper *Kyiv Post*. Semotiuk at the time was an attorney with a practice in international law dealing with immigration. He was a member of the bars of California and New York in the US and Ontario, Alberta and British Columbia in Canada.

Semotiuk asserted that the use of an immigration procedure [in order to secure Demjanjuk's deportation to Germany] 'should have set off alarm bells about what this may mean for the rule of law and a fair and balanced judicial system in the US.' He rehearsed several unsatisfactory aspects of the

ways in which Demjanjuk had been treated and then said: 'What troubles me the most about this case is the silence of individuals and organisations ostensibly dedicated to human rights and their failure to speak up in support of Demjanjuk. For example, I was a member of the American Civil Liberties Union, an organisation dedicated to the protection of the civil liberties of Americans, including protecting the due process rights of individuals. I asked them specifically to speak up in the Demjanjuk case and was met with silence.'

Semotiuk concluded that 'the Demjanjuk case is little more than a Western show trial to reinvigorate the memory of the Holocaust..... It is a show trial along the lines of what we saw in the former Soviet Union and Nazi Germany previously.'

Semotiuk noted that Patrick Buchanan had been 'the only prominent political commentator who has spoken out about this witch hunt' and asked: 'Where are all the others? It appears they are not concerned that the Demjanjuk case demonstrates that American courts can be politicised and made to bow to the pressures of expediency. It appears they are prepared to accept that America cannot always be relied on to be balanced, fair and to protect the rights of its citizens and the rule of law.'

Paul Grubach, in his aforementioned essay 'The "Nazi Extermination Camp" of Sobibor in the Context of the Demjanjuk Case', eventually asked 'What really lies behind this campaign [to "bring to justice" alleged "Nazi war criminals"]?' Here is his answer: 'Holocaust revisionism, the theory that the traditional view of the Jewish Holocaust contains lies, exaggerations and other falsehoods, is a serious threat to Zionist power and the German Government that is subservient to Israeli/Zionist interests. Various governments have resorted to "war crimes trials" to combat its phenomenal growth. Indeed, Israel's former Attorney General, Yitzhak Zamir, publicly admitted that this was one of the major purposes of the Israeli Demjanjuk trial: "At a time when there are those who even deny that the Holocaust ever took place, it is important to remind the world of what a fascist regime is capable of... and in this respect the Demjanjuk trial will fulfil an important function." In 1993, as the case against Demjanjuk was falling apart, an Israeli prosecutor close to the case [quoted on page 402 of the US Regnery edition of Sheftel's book] acknowledged a political motive for continuing the campaign. "So the important thing now is at least to prove that Demjanjuk was part of the Nazi extermination machine... otherwise... we will be making a great contribution to the new world-wide movement of those who deny the Holocaust took place."... The promoters and the beneficiaries of the Holocaust ideology – International Zionism, Israel and the current German Government – want to use a Demjanjuk show trial to fight the phenomenal growth of Holocaust revisionism, a movement that poses a dire threat to the Zionist government in Israel and the government subservient to Zionism in Germany.'

Australian journalist Michael Barnard, who steadfastly spoke out against the 'Nazi war crimes' campaign until he was removed from his position as a columnist for *The Age* newspaper in Melbourne, wrote in the issue of that paper on 10th December 1991 an article headed 'Will Israel play fair over this disturbing "war crimes" case?' Contemplating the second Israeli case, whose result had not yet been announced, he wrote: 'If guilt is upheld, the court will be seen by many as pursuing a cause – publicising the Holocaust, for this in part is what such trials are about – to the exclusion of significant doubt that would fail to sustain a conviction in such countries as Australia.'

Barnard was not optimistic: 'But whatever the nature of the evidence, the pressures to maintain the conviction must be immense. Many reputations, of both individuals and organisations such as the Simon Wiesenthal Centre, are at stake. Additionally, the key educational purpose of the protracted trial –

which took place, appropriately, in a theatre adapted as a television studio – will have been squandered if innocence is accepted.’

As for those arguing that there is no such thing as a statute of limitation on murder, Barnard responded by stating that ‘A far more telling regulatory statute is the unwritten one so relentlessly applied by Nature, namely the Statute of Fallibility, which decrees that with advancing age even the finest mind can become subject to tricks of memory. A war crimes judge in Ontario Supreme Court acknowledged the problem of failing memory this year. Canada’s war crimes process – which, as in Australia, was preceded by a lot of peculiar lobbying and impassioned pleas for “justice” that took no account of the practical difficulties involved or the threat to the stature of the law itself – seems to be dying on its feet. The “flagship” trial of Imre Finta resulted in acquittal.’

Finally, Barnard observed that ‘a certain symbolism has been attached to Demjanjuk’. Here he touched one of the most crucial aspects of the whole Demjanjuk story. By 1993 Demjanjuk had become widely known throughout the world as one whose vindication in Israel had cast an extremely strong spotlight on the whole campaign against ‘Nazi war criminals’ and, by extension, on the received view of World War Two history including the Holocaust.

It seems clear that elements in the Jewish world community, who, as it is also clear, have great power over Western governments, including those of the US and Germany, decided that Demjanjuk must be given his comeuppance and the success gained for opponents of the ‘Nazi war crimes’ process cancelled out by the finding of another guilty verdict somewhere else. And the evidence suggests that, once again, truth and the cause of true justice and rightly conducted law processes were not to be allowed to stand in the way.

Of course, the pursuers of Demjanjuk were now going out on a limb. To many people Demjanjuk’s age and the fact that he had experienced unjustly such a terrible ordeal in Israel would have seemed overwhelming arguments against further litigation. Perhaps some of the pursuers felt a little like Shakespeare’s Macbeth. They may have been beginning to wish that the whole ‘Nazi war crimes’ operation had never been started in the first place. However, they may have thought, in Macbeth’s words,

For mine own good

All causes shall give way. I am in blood

Stepped in so far, that, should I wade no more,

Returning were as tedious as go o’er.

Their awkward position surely explains the very different presentation in the major media of the German trial compared to the Israeli trials. Judging by the behaviour of the Australian newspapers *The Australian* and *The Age*, there exists a strong presumption that a plea went out behind the scenes for a very muted coverage of the German trial, with a strong censorship to prevent widespread public discussion such as might raise concerns in many heads that once again justice was being violated.

‘He who pays the piper calls the tune.’ There is ever-increasing evidence, of which the Demjanjuk affair is part, that Western nations are already in the grip of a covert tyranny which, in order to preserve and extend its power, wealth and cultural influence, is steadily trampling on intellectual freedom and the honourable administration of laws firmly based in principles of true justice. The books of UK writer

Nicholas Hagger, especially his 2004 study of 'the coming world government', *The Syndicate*, provide strong support for this view.

An ominous aspect of the second phase of the Demjanjuk affair is the widespread silence by intellectuals who, one feels, should have spoken out strongly in defence of him. Are Western communities losing the nerve and the will to fight to maintain the integrity of their cultures? And why has the Christian Church, at the highest levels, done so little to expose and check the incipient tyranny?

In the meantime, after Demjanjuk's death, it was pitiful in the extreme to read that his opponents were bewailing the fact that he died technically a free man and that, if his body was returned to his family for burial in his home town, his grave might become 'a shrine for neo-Nazis'. How low can meanness of spirit and pusillanimity descend?

Today I was listening to the exquisite music of Adolphe Adam's ballet suite for *Giselle*. This enabled me to contemplate again the ballet's wonderful presentation of the power of love. Prince Albrecht had betrayed the peasant girl; she had died of a broken heart; but when the Wilis, the spirits of maidens who had been jilted like her and died, came out at night to try to dance him to death, so great was the love of Giselle's spirit that she danced with him until six o'clock sounded and the power of the Wilis was no more. The strength and magnanimity of love had triumphed over the hatred of those who felt themselves wronged.

The spirit of Giselle had to return to the grave. The soul of John Demjanjuk has passed from Earth into God's care and moved beyond our sight. His long travail, and the nobility of his endurance of it, remain in our memory. Like Giselle, we who still live must go on in the spirit of love, that spirit which is ultimately stronger than any hatred. Saint Paul wrote well about love in *1 Corinthians 13*. He could have added that love is not cowed by the threats and machinations of tyrants, and that it is not afraid to speak out at risk to itself in the defence of those who are treated unjustly. In that spirit, let us work around the world, wherever we are, to gradually defang the present malign presence within our nations, of which the 35 years of mistreatment of John Demjanjuk is a permanent witness.

Melbourne, 30th March 2012

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